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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.1578 OF 2000

Shri Shankar Baburao Chavan
& Ors. ... Petitioners

Vs.

The State of Maharashtra & Ors. ... Respondents

Mr. N.J. Patil for the petitioners.

CORAM: V.G. PALSHIKAR &
SMT. RANJANA DESAI, JJ.

DATED: 1ST SEPTEMBER, 2004.

P.C.:-

1. By this petition, the petitioner has made following prayers:

"a) Rule be issued and record and proceedings be called for;

b) the notifications under sections 4, 6 and 9 of the and Acquisition Act by which the land acquisition proceedings initiated against the petitioners, may kindly be quashed and set aside;

c) that pending the hearing and final disposal of this petition, the further proceedings of acquisition and/or taking possession and/or allotting the land Gat No.787 to the

extent of 48 Ares (Part) situated at village Sajur, Tal. Karad, Dist. Satara, to anybody be kindly ordered to be stayed;

d) that pending the hearing and final disposal of this petition, the respondents, their agents, servants or anybody on their behalf may kindly be restrained by an order of injunction from taking possession and/or allotting the land Gat No.787 to the extent of 48 Ares (Part) situated at village Sajur, Tal. Karad, Dist. Satara, to anybody,

e) this petition be finally allowed with costs;

(f) such other just, proper and equitable order in the nature and circumstances of the case be kindly passed in favour of the petitioners."

2. In spite of several opportunities granted, none appears for the respondents. On 9/8/2004, a request was made for and on behalf of the State to grant time to file reply. As a last chance, three weeks' time was granted yet, no reply is filed. In such a state, we are constrained to accept the statement made on affidavit as true. So considered, the prayer of quashing acquisition proceedings in so far as Ghat No.787 to the extent of 48

Ares (Part) situated at Village Sajur, Taluka Karad, District Satara, will have to be accepted. The acquisition proceedings, accordingly, are quashed to the extent mentioned in the foregoing paragraph. Rule made absolute. Petition disposed of accordingly.

(V.G. PALSHIKAR, J.)

(SMT. RANJANA DESAI, J.)